

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:08CR87
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Plaintiff,)
)
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vs.) FINAL ORDER OF
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CORLEONE MCCURRY,)
CHRISTIAN COPELAND,)
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Defendants.)

This matter is before the Court on the United States' Motion to Vacate Part of the Preliminary Order of Forfeiture and Motion for Final Order of Forfeiture (Filing No. 72). The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On June 25, 2008, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 21, United States Code, Sections 841(a)(1), 841(b)(1), 853, Title 18, United States Code, Sections 924(c), 924(d) and Title 28, United States Code, 2461(c), based upon the Defendants' pleas of guilty to Counts II, III, V and VI of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendants' interests in \$60.00, \$122.00, \$306.00, \$144.00, \$30.00 and a 9mm Sturm Ruger semi-automatic pistol, were forfeited to the United States, and the U. S. Marshals Service was directed to seize the same.

2. On July 10, 17 and 24, 2008, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the properties in accordance with the law, and further notifying all third parties of their

right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said properties. An Affidavit of Publication was filed herein on August 21, 2008 (Filing No. 68).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The United States has also advised the Court the \$144.00 involved in this case was returned to the person from whom it was seized prior to the entry of this Court's Preliminary Order of Forfeiture. Since the U.S. Marshals Service can therefore not seize that amount, that part of the Preliminary Order of Forfeiture which directs the U.S. Marshals Service to do so should be vacated. All other aspects should remain in full force and affect

5. The Plaintiff's Motion to Vacate Part of the Preliminary Order of Forfeiture and Motion for Final Order of Forfeiture should be sustained.

IT IS ORDERED:

A. The Plaintiff's Motion to Vacate Part of the Preliminary Order of Forfeiture and the Motion for Final Order of Forfeiture (Filing No. 72) is sustained.

B. All right, title and interest in and to the \$60.00, \$122.00, \$306.00, \$30.00 and a 9mm Sturm Ruger semi-automatic pistol, held by any person or entity, are hereby forever barred and foreclosed.

C. The \$60.00, \$122.00, \$306.00, \$30.00 and a 9mm Sturm Ruger semi-automatic pistol be, and the same hereby are, forfeited to the United States of America .

D. The U.S. Marshals Service and the Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska are directed to dispose of said properties in accordance with law.

E. That part of the Preliminary Order of Forfeiture (Filing No. 57) directing the U.S. Marshals Service to seize the \$144.00 is hereby vacated. All other aspects of the Preliminary Order of Forfeiture remain in full force and effect.

DATED this 26th day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge